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THE ANDHRA PRADESH GAZETTE

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W.No.36 AMARAVATI, WEDNESDAY, SEPTEMBER 13, 2017 **G.202**

PART II - MISCELLANEOUS NOTIFICATIOSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

COMMANDANT, HQRS,
AP SPECIAL PROTECTION FORCE, TIRUPATI

SHOW CAUSE NOTICE ISSUED TO Sri V. SURESH, CT-1887 OF APSPF, TTD TIRUPATI — FINAL EXPLANATION CALLED FOR.

Ref : 1) Proceedings: T.O. Rc.No.07/A3/Comdt.Hqrs/APSPF/TPT/2017, O.O.No.891/2017, dated: 17.06.2017.

2) AOC: T.O. Rc.No.07/A3/Comdt.Hqrs./APSPF/ TPT/2017, dated: 25.03.2017.

3) Rc.No. 13/AC/SPF/TTD.TML/OE-1887/2017/D.No.575, dated: 03.08.2017 of the Asst. Commandant, APSPF, TTD Tirumala.

-:o:-

Rc.No.07/A3 / Comdt.Hqrs / APSPF/TPT / 2017,- In the reference 1st cited, an Oral Enquiry was ordered against you in connection with the Article of Charge framed vide reference 2nd cited. Now the Enquiry Officer Sri M.L. Manohar, Asst. Commandant, APSPF, TTD Tirumala has submitted Oral Enquiry report duly ***"Proved"*** the Article of Charge vide reference 3rd cited. A copy of the enquiry report is sent herewith, with instructions to submit your final explanation if any, in order to dispose off the Oral Enquiry.

Your explanation should reach this office within (10) days from the date of receipt of this Memo, failing which, the O.E. will be disposed off basing on the merits.

IN THE DEPARTMENTAL ORAL ENQUIRY HELD AGAINST
SRI V. SURESH, CT-1887 OF SPF TTD TIRUPATHI

Submitted by
Inquiry Officer
Sri M. L. Manohar,
Asst. Commandant, SPF, TTD, Tirumala
vide Rc.No.13/AC/SPF/TML/OE CT-1887/2017,
Dated:03.08.201 7.

1) Under sub-rule (02) of Rule (20) of AP. Civil Services (CC&A) Rules 1991, I was appointed as Inquiring Authority by the Commandant, Headquarters, APSPF, Tirupati to enquire into the charges framed against Sri V.Suresh, CT-1887 of SPF, TTD, Tirupati vide Proceedings. *Rc.No.07/A3/Comdt.Hqrs/APSPF/TPT/2017, O.O.No.891/2017, Dt:17.06.2017.* I have since completed my inquiry and on the basis of the documents and oral evidence adduced before me, I prepared my enquiry report as under:-

2) No presenting officer has been appointed.

3) The charged officer Sri V.Suresh, CT-1887 of SPF, Tirupati did not attend to the OE on 18.07.2017 as his where abouts are not known.

4) The following articles of charge have been framed against Sri V.Suresh CT-1887 of SPF, Tirupati.

ANNEXURE-I

Statement of Articles of Charge framed Sri V.Suresh, CT-1887 of AP SPF Unit, TTD Tirupati.

ARTICLE - I

"That the said Sri V.Suresh, CT-1887 of AP SPF Unit, TTD Tirupati was passported to avail (04) days casual leave w.e.f. 23.06.2016 AN to 27.06.2016 AN. Instead of reporting back for duty on 27.06.2016 AN, he has been absenting for duties w.e.f. 27.06.2016 AN unauthorisedly, without any intimation to his superiors. During his un-authorized absence period, he failed to inform his whereabouts to his superiors".

ARTICLE-II

That the said Sri V.Suresh, CT-1887 of AP SPF Unit, TTD Tirupati is already earned the following punishments for various delinquencies.

Major PRs (04):

1. *He was awarded with a penalty of PPI for two years with cumulative effect for his unauthorized absence w.e.f 06.06.2005 to 19.12.2005 for a period of (197) days vide A3/PR/91/SPF/05, O.O.No.A-124/07, Dated: 01.10.2007.*

2. *He was awarded with a penalty of PPI for two years with effect on future increments and pension for he became OSL from ML for a period of (171) days w.e.f. 02.05.2010 AN to 21.10.2010 FN vide Rc.No. A3/PR/01 (RZ)/ SPF/09-12, O.O.No.A-473/ 12, dated: 02.07.2012.*

3. *He was awarded with a penalty of PPI one year with effect on future increments for he became OSL from CL for a period of (61) days w.e.f. 13.06.2009 FN to 12.08.2009 FN vide Rc.No.A3/PR/5(RZ)/SPF/09-12, O.O.No.A-483/12, dated: 05.07.2012.*

4. *He was awarded with a penalty PPI for a period of one year with cumulative effect for he became OSL from CL for a period of (54) days w.e.f 26.06.2015 AN to 20.08.2015 FN vide Rc.No.APSPF/A3/PR/32/2015-16, O. O.No. 743/2016, dated: 01.07.2016.*

Minor PR (01):

1. *He was awarded with "CENSURE" for his misconduct while on duty vide Rc.No. 103/SPF/04, O.O.No.A-283/08, Dated: 25.08.2008.*

By the above act, he has exhibited gross misconduct and carelessness towards his legitimate duties, which is un-becoming of a Government servant thereby violating Rule-3 of APCS (conduct) Rules-1964.

ANNEXURE - II

List of Documents :

1) *OSL report C.No.ll/AC/SPF/TPT/CL-OSL/D.No.542/2016, dated: 30.06.2016 of the AC, APSPF, Tirupati.*
2) *OSL report C.No.l 1/AC/SPF/TPT/CL-OSL/D.No.607/2016, dated: 19.07.2016 of the AC, APSPF, Tirupati.*
3) *Rc.No.Genl/A3/Comdt.Hqrs/ APSPF/ TPT/ 2016, Dated: 23.07.2016 of the Comdt., Hqrs, APSPF, Tirupati.*
4) *Memo C.No.ll/AC/SPF/TPT/OSL-CL/2016/D.No.691, dated:06.08.2016 of the AC, APSPF, TTD Tirupati.*
5) *Re-Call Memo C.No.l3/AC/SPF/TPT/CT-1887/2016/D.No.826, dated: 19.09.2016 of the AC, APSPF, Tirupati*
6) *OSL report C.No. 11/AC/SPF/TPT/CL-OSL/ D.No. 1027, dated:28.11.2016 of the AC, APSPF, TTD Tirupati.*

ANNEXURE - III

List of Witness:-

1) Assistant Commandant, SPF unit Tirupathi.

5) . ***Case of the Disciplinary Authority***:

It is reported by the Assistant Commandant, SPF, Tirupati that, the charged officer Sri V.Suresh, CT-1887 went on (4) days CL w.e.f 23.06.2016 (AN) to 27.06.2016 (AN). Instead of reporting back for duties from CL, he became OSL w.e.f. 27.06.2016 (AN) without any intimation to his superiors. Accordingly, the AC, SPF, Tirupati has submitted a report to the Commandant, Hqrs, APSPF, Tirupati vide C.No. 11/AC/SPF/TPT/CL-OSL/D.No.542/2016, Dt:30.06.2016 **(Marked as Exhibit P.E. 1).** Even though a period of 21 days has been completed, the charged officer has not reported to duty. In this regard, the AC, SPF, Tirupati has sent a report to the Commandant, Hqrs, APSPF, Tirupati vide C.No.l 1/AC/SPF/TPT/CL-OSL/D.No. 607/2016, Dt: 19.07.2016 **(Marked as Exhibit P.E.II),** Subsequently the Commandant, Hqrs, APSPF, Tirupati has issued a memo to the charged officer Sri V.Suresh, CT-1887 instructing him to report for duties immediately, otherwise necessary disciplinary action will be initiated against him vide memo Rc.No.Genl/A3/ Comdt.Hqrs/APSPF/TPt, 2016, Dt: 23.07.2016 **(Marked as Exhibit P.E.III)** and the AC, SPF, Tirupati has sent the same memo to the above charged officer to his native address through registered post vide C.No. 11/AC/SPF/TPT/OSL-CL 2016 D.No.691. Dt:06.08.2016 **(Marked as Exhibit P.E.IV).** But the same registered postal cover received back to the AC's Office with the postal remarks that "Given intimation to the addressee, but not claimed". Accordingly the AC, SPF, Tirupati has returned the un-served memo (Regd.postal cover) to the Commandant, Hqrs, APSPF, Tirupati vide C.No.13/AC/SPF/TPT/CT-1887/2016, Dt: 19.09.2016 **(Marked as exhibit P.E-V).** Further, the Assistant Commandant, SPF, Tirupati has sent a report to the Commandant, Hqrs, APSPF, Tirupati vide C.No.ll/AC/SPF/TPT/CL-OSL/D. No.1027/2016 Dt:28.11.2016 **(Marked as exhibit P.E-VI)** stating that the charged officer during his continues absence neither extended leave nor intimated his whereabouts to his superiors. After that, vide Rc.No.07/A3/Comdt.Hqrs/ APSPF/TPT/2017, Dt: 25.03.2017, a memorandum of charge has been framed against Sri V.Suresh, CT-1887. But the same could not be served to the charged officer as the registered postal cover i.e memorandum of charge sent to the above charged officer was received back with the postal remarks that the "Addressee left". Subsequently, the memorandum of Article of charge has been published in the Andhra Pradesh Gazette vide Gazette notification No. 15, Dt: 13.04.2017 **(Marked as exhibit P.E-VII).**

Further, even the Article of charge published in the A.P Gazette, the charged officer did not respond. Subsequently, the disciplinary Authority i.e Commandant, Hqrs, APSPF, Tirupati has ordered Oral Enquiry appointing me as Inquiry Authority to enquire in to the charges framed against the CT-1887 Sri V.Suresh vide Proceedings Rc.No.07/A3/Comdt.Hqrs/APSPF/TPT/2017, O.o.No.891/2017, Dt: 17.06.2017. Accordingly, the O.E dates are fixed to conduct OE on 06.07.2017 and 18.07.2017. since the whereabouts of the charged officer is not known the O.E intimation letters could not be served to the charged officer and ex-parte enquiry was conducted on 18.07.2017 and recorded the statement of the P.W i.e Assistant Commandant, SPF, Tirupati, who deposed his statement as follows:-

6) STATEMENT OF SRI M.SANKAR RAO, ASST. COMMANDANT, APSPF, TIRUPATI

I, M. Sankara Rao working as Assistant Commandant, SPF, Tirupati, w.e.f. 22.08.2013. I solemnly affirm and depose my statement as follows:-

Sri V.Suresh, CT-1887 went on (4) days CL w.e.f 23.06.2016 (AN) to 27.06.2016 (AN). On expiry of CL, he has to resume for duties on 27.06.2017 (AN). But he failed to do so and became OSL from CL without any intimation to his superiors. In this connection a report was submitted to the Commandant, Hqrs, APSPF, Tirupati vide C.No. 11/AC/SPF/TPT/CL-OSL/D.No.542/2016, Dt:30.06.2016. Further, even though a period of 21 days has been elapsed by 17.07.2016 (AN), neither he reported to duty nor intimated his whereabouts to his superiors. In this regard a report was submitted to the Commandant, Hqrs, APSPF, Tirupati vide C. No. 11/AC/SPF/TPT/CL-OSL/D. No.607/2016, Dt: 19.07.2016. Subsequently a memo addressed to Sri V.Suresh, CT-1887 was received to this office from Commandant, Hqrs, APSPF, Tirupati vide Rc.No.Genl/A3/Comdt.Hqrs/APSPF/TPT/2016, Dt: 23.07.2016, wherein the CT-1887 Sri V.Suresh was instructed to report back for duties immediately, failing which severe disciplinary action will be initiated against him as per Conduct Rules. Since the CT-1887, Sri V.Suresh was on OSL, the memo was sent to his native address vide C.No. 1 l/AC/SPF/TPT/OSL-CL/2016/D.No.691, Dt : 06.08.2016 through registered post. But the same was received back to this office with the postal remarks that “Given intimation to the addressee, but not claimed”, The same registered postal cover containing un-served memo was sent to the Commandant, Hqrs, APSPF, Tirupati vide C.No. 13/AC/SPF/TPT/CT- 1887/2016/D.No.826, Dt: 19.09.2016. Further, during his absence/OSL the CT-1887, Sri V.Suresh, who went on (4) days CL w.e.f 23.06.2016 (AN) to 27.06.2016(AN) to admit his daughter in the school at Kakinada neither extended leave nor intimated his whereabouts to his superiors and continued on OSL. In this connection a report was sent to the Commandant, Hqrs, APSPF, Tirupati vide C.No. 11/AC/SPF/TPT/CL-OSL/D.No. 1027/2016, Dt:28.11.2016.

Further, a memorandum of charge framed against Sri V.Suresh, CT-1887 has been received from the Commandant, Hqrs, APSPF, Tirupati vide Rc.No.07/A3/Comdt. Hqrs/APSPF/TPT/2017, Dt:25.03.2017 and same was sent to his native address i.e D.No. 64-lH-lA, Prathap Nagar, Kakinada, East Godawari Dist. through registered post with acknowledgement due. But the registered postal cover received back to this office with the postal remarks that the “Addressee left”. The same registered postal cover containing un-served memorandum of charge has been sent to the Commandant, Hqrs, APSPF, Tirupati vide Rc.No. 13/AC/SPF/TPT/Ack &MOC/D.No.405, Dt: 10.04.2017.

Further, the CT-1887, Sri V.Suresh, who was on OSL/un-authorised absence w.e.f 27.06.2017 (AN) did not report for duties till date and he was remained absent for a period of more than one year.

Cross examination by the Charged Officer

The charged officer did not attend the OE.

7) Case of the Defendant:

DEFENCE STATEMENT OF SRI V.SURESH, CT-1887, SPF, TIRUPATI.

Even the memorandum of charge was published in the AP Gazette the charged officer has not submitted any defense statement on his behalf.

8). ***Analysis and Assessment o f Evidence:***

I have carefully gone through the entire OE file, documentary evidence and the statement of the Prosecution Witness. I have analyzed the entire case as follows :-

1. There are two Articles of charge framed against the charged officer Sri V.Suresh, CT-1887 i.e Article-I is that he has been absenting for duties w.e.f 27.06.2016 (AN) by becoming OSL from CL and Article-II is that he has already earned (4) Major penalties and one Minor penalty for various delinquencies.

2. Since the charged officer was continued on long OSL/un-authorised absence i.e. w.e.f 27.06.2017 (AN), the OE intimation letter has been sent to the native address of the charged officer i.e Door N0.61-1-1H-1A, Prathap Nagar. Kakinada, East Gowadawari Dist., through registered post vide memorandum C.No. 13/AC/SPF/TTD/OE/CT-1887/2017/D.No.454, Dt: 27.06.2017, wherein the charged officer was instructed to attend the O.E on 06.06.2017 at O/o the Assistant Commandant, SPF, TTD Tirumala. But the registered postal cover as received back with the postal remarks that "absent & Intimated on 30.06.2017 and, "2nd time intimated on 01.07.2017". Further, 2nd time O.E date is fixed vide C.No. 13/AC/SPF/TTD/O.E/CT-1887/2017/D.No.490, Dt:07.07.2017 to conduct OE on 18.07.2017 at O/o AC, SPF, TTD Tirumala and the O.E intimation letter has been sent to the Assistant Commandant, SPF, Kakinada to depute one special messenger to serve the O.E intimation copy (memorandum) to the charged officer at the above residential address of the charged officer vide C.No. 13/AC/SPF/TTD/OE/CT-1887/2017/D.No.489, Dt: 07.07.2017. Accordingly, vide C.No. 13/AC/SPF/RIL/Memo-serve/D.No.510, Dt: 15.07.2017, the Assistant Commandant SPF, Kakinada has informed that he deputed one Constable by name Sri P.Rajesh, CT-3458 on 10.07.2017 and another Constable by name Sri B.Charles, CT-3653 on 11.07.2017 to serve the OE intimation letter to the CT-1887, Sri V.Suresh. But they could not serve the same as the CT-1887 was not available in his house and his whereabouts are not known. His sister by name Smt. Hema, who was present in the house has refused to take the OE intimation letter and she informed that they no longer visit one another from one year and she does not know the whereabouts of his brother Sri V.Suresh, CT-1887. **Since the whereabouts of the charged officer is not known, an ex-parte enquiry was conducted on 18.07.2017** and recorded the statement of the P.W i.e. Assistant Commandant, SPF, Tirupati.

3. Regarding Article-I the documentary evidence and the statement of P.W i.e Assistant Commandant, SPF, Tirupati are corroborated that the charged officer Sri V.Suresh, CT-1887, who went on (4) days CL w.e.f 23.06.2016 (AN) to 27.06.2016 (AN) has to resume for duties on 27.06.2017 (AN). But he failed to do so and became OSL. During his continuous absence/OSL, neither he informed his whereabouts to his superiors nor extended leave. **Further, he un-authorizedly absented for duties for a long period of more than one year i.e. w.e.f 27.06.2016 (AN) to till date without any intimation to his superiors and he did not report for duties so far.**

4. Regarding Article-II, it is fact that **the charged officer Sri V.Suresh, CT-1887 has un-authorizedly absented for duties on various occasions. For which, he was already awarded with (4) Major penalties and he was also awarded with one Minor penalty for his misconduct while on duty.**

9) *FINDINGS*:

On the basis of the documentary and oral evidence adduced in the case before me, it is established that, the Charged Officer Sri V.Suresh, CT-1887 has un-authorizedly absented for duties for a long period of more than one year i.e w.e.f 27.06.2016 AN to till date and he has already earned (4) Major penalties and one Minor penalty for various delinquencies. *Hence, the Articles of charge i.e Article-I & Article-II leveled against the Charged Officer Sri V.Suresh, CT-1887 are "**PROVED**" beyond any reasonable doubt.*

Certified that the procedure laid down in the Rule 20 of APCS (CC&A) Rules - 1991 has been followed in conducting oral Enquiry.

M.L.MANOHAR,
(INQUIRING AUTHORITY),
Assistant Commandant,
A.P. Special Protection Force,
TTD, TIRUMALA.

To
Sri V. Suresh, CT-1887 of APSPF, TTD Tirupati.
Through the Assistant Commandant, APSPF, TTD Tirupati.

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